

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

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CATHY MOSES and
PAUL F. WEINBAUM,

Plaintiffs,

D-101-CV-2012-00272

vs.

NO. ~~D-0101-CV-2012-~~

HANNA SKANDERA, SECRETARY
OF EDUCATION, NEW MEXICO,
PUBLIC EDUCATION DEPARTMENT,

Defendant.

**PETITIONERS' VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT**

Come now Petitioners, Cathy Moses and Paul F. Weinbaum, and for their Verified Complaint for Declaratory Judgment against Defendant, Hanna Skandera, Secretary of Education, New Mexico Public Education Department, state:

1. As reflected in the attached Verifications, each of the Petitioners is and has been continually a resident of the State of New Mexico for a period of five or more years and during such period has continually been a taxpayer in the State of New Mexico (the "State") by the payment of income taxes on earnings, sales taxes on purchases and/or real estate taxes on their residences. In addition, each Petitioner currently has one or more children attending the elementary and/or secondary public schools of the State.

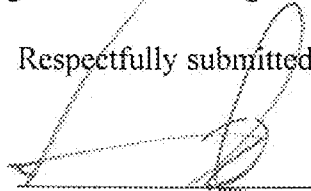
2. Defendant, Hanna Skandera, is the duly appointed Secretary of Education of the State's Public Education Department.

3. The continued funding and distribution of textbooks and other instructional materials to private schools, at public expense, as provided in the NMSA §§

22-15-1 to 14 (the "Act") is unconstitutional, being violative of Article IX, § 14, Article XII, § 3, Article IV, § 31 and/or Article II, § 11 of the New Mexico Constitution.

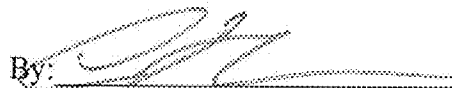
WHEREFORE, Plaintiffs pray a finding and order of this Court declaring NMSA §§ 22-15-1 to 14, whereby public funds are authorized and instructed to be used for the distribution of textbooks and other instructional materials to private schools, to be violative of Article IX, § 14, Article XII, § 3, Article IV, § 31 and/or Article II, § 11 of the New Mexico Constitution, granting such other and further relief as this Court deems appropriate under the circumstances and taxing all costs herein against Defendant.

Respectfully submitted,



FRANK SUSMAN, *pro hac vice*
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LTCSusman@Comcast.net

THE GRAESER LAW FIRM, LLC

By: 

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Attorneys for Petitioners Cathy Moses and
Paul F. Weinbaum

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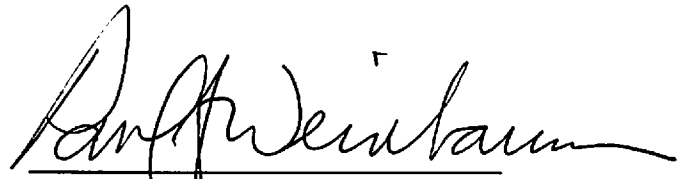
NO. D-0101-CV-2011-

Defendant.

VERIFICATION

The undersigned Affiant states that he has been provided with a true copy of the attached "Petitioners' Verified Complaint for Declaratory Judgment" in the above encaptioned matter.

Affiant is a named Plaintiff in this action and states that the information contained in said pleading is true and correct.

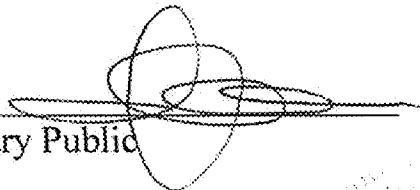

Paul F. Weinbaum

COUNTY OF DONA ANA)
) SS.
STATE OF NEW MEXICO)

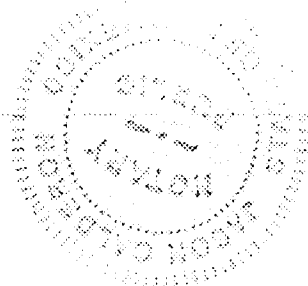
On this 9th day of January 2012, personally appeared before me, a Notary Public, the above named Affiant, Paul F. Weinbaum, who being first duly sworn upon his oath, stated that the above and

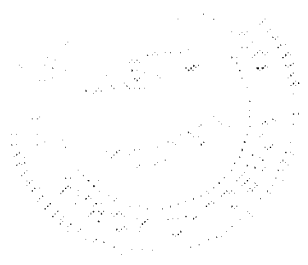
foregoing statements are true to the best of his knowledge, information and belief.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State on the day and year last above written.



Notary Public





STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

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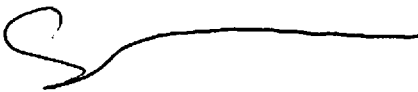
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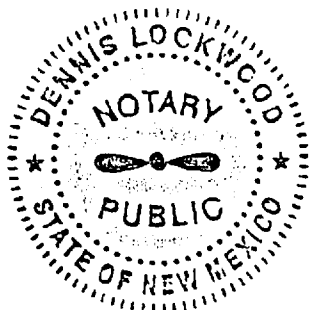


Cathy Moses

COUNTY OF SANTA FE)
) SS.
STATE OF NEW MEXICO)

On this 5th day of January 2012, personally appeared before me, a Notary Public, the above named Affiant, Cathy Moses, who being first duly sworn upon her oath, stated that the above and foregoing statements are true to the best of her knowledge, information and belief.

Subscribed and sworn to before me, a Notary Public, in and for the
aforesaid County and State on the day and year last above written.



A handwritten signature in black ink, appearing to read "Dennis Lockwood".

Notary Public

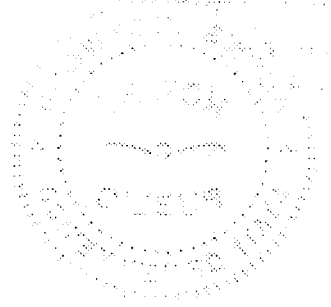
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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

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